TRANSCRIPT OF EVIDENCE

given before

the

ROYAL COMMISSION APPOINTED TO ENQUIRY INTO THE CAUSES AND ORIGINS AND OTHER MATTERS ARISING OUT OF BUSH FIRES IN VICTORIA DURING JANUARY, 1939.

Held at

NEALSVILLE.

on

Monday, 6th February, 1939.

Present: HIS HONOR, JUDGE STRETTON, Royal Commissioner.

Mr. Gregory Gowan: Appeared to assist the Commission.

Mr. A. Kelso: Appeared on behalf of the Melbourne and Metropolitan Board of Works.

Mr. A. C. Lavigne: Appeared on behalf of the Forests Commission.

Mr. W. Hindon: Appeared on behalf of the Victorian Bush Fire Brigades Association.

Mr. A. B. Hardy: Appeared on behalf of the Forests League.

THE COMMISSIONER: I wish to make it clear at the outset that this is not an inquisitorial Commission. I do not represent any punitive or detection arm of the law; I am here merely to arrive at the broad causes of the recent fire disasters and to make recommendations later, if any suggest themselves to me, for future assistance. If any person feels embarrassed by being asked to give evidence, or if he feels that he may incriminate himself, he has only to say so, and he will be given the protection which the law affords him.
I should point out that, so far as a Royal Commission is concerned, any evidence given before it cannot be used at any other proceedings. Furthermore, to make it doubly safe for anybody who desires to give evidence, a witness may claim the privilege that he feels that he may be incriminated by his own evidence. In that case, if his fear is well grounded, he will not be pressed to give evidence on any point on which he might incriminate himself. I make it clear that witnesses before this Commission have that double protection.

MR. KELSO: There are a few corrections in the official transcript of evidence that I should like made at this stage. The first reference is on page 91, where I am reported to have stated "Concerning the Maroonah watershed I have marked on it the individual fires which occurred before the 10th of January, on which day a large fire, that we have heard spoken of, swept from the State forest in the Toolangi district through the watershed in about an hour". That may have been said, but I wish that portion deleted, because it is a deduction and I do not think it is correct, for a reason I shall give later. I desire the deletion of the words "in about an hour".

THE COMMISSIONER: Very well.

MR. KELSO: On page 95, the second question and answer are as follows:

"Is it seriously suggested that a fire could arise in the McDonald Weir area from burning fragments brought down from the Toolangi fires?--Seriously. It is not seriously suggested it did. I will establish for you with certainty that the Maroonah plantation was ignited six miles from the fire on the big day".

Firstly, "McDonald", I presume, should be Donnelly's Weir. The position about the whole of that statement is it was based on record received by me that that fire appeared over a ridge some time after it ignited that plantation. Through a misconception on my part, the ridge was referred to as the main watershed ridge six miles away.
I became doubtful about that because of the probable impossibility of seeing that ridge on that day. When I questioned the person who had given the information, I discovered that the ridge referred to was a minor ridge about half a mile away. The statement, which was based on that information, is incorrect. As to what is the truth will be established by those who actually saw it. I suggest the deletion of the question and answer. If necessary, I shall give the correct answer now, but if you prefer to establish the fact by those who saw the occurrence it would be better that the question should be asked of them later. The fire did actually jump, but for how far it did jump is a matter for future evidence.

**THE COMMISSIONER:** Perhaps we should delete the question and answer.

**MR. FELLOWS:** It may be desirable to retain the question and answer and correct the clerical errors. The first clerical error is "McDonald's Fire" which should read "McNally's Fire". The second is in the answer there appears "It is not seriously suggests it did". It is clear that the answer made was "It is seriously suggested", and the "not" should be deleted.

**THE COMMISSIONER:** Why should we retain the question and answer if it is acknowledged to be on a wrong basis?

**MR. FELLOWS:** That question was not in relation to that fire at all, but it related to four fires in a straight line, about which I was asked whether I suggested that the fires had originated by jumping or by the wind blowing them. I merely stated at that stage that it should be established that a fire could that, and it is only in so far as that was not established owing to my evidence being based on an incorrect deduction that this paragraph should be corrected.

**THE COMMISSIONER:** It is patently wrong, and I shall order that the question and answer be deleted.

**MR. FELLOWS:** Perhaps Mr. False could give his explanation and it could be noted."
THE COMMISSIONER: (To Mr. Kelso) — You are giving that explanation now as a witness who has been sworn, and not as an advocate. I shall delete the question and answer from the official transcript, and the statements you have just made will appear in the official transcript.

MR. KELSO: Very well. On Page 103, on line 15, the word "for" should appear after the words "They watch". On page 121, referring to the minimum run-off from the various catchments, the figure 10,000,000 in the first line should be 1,000,000.

On page 122, in the first line, the words "is found on our areas" should be "surrounds our areas". The final correction involves my giving further evidence to clear up the position. At the bottom of the page and right through that paragraph to the end of it, there appears a statement that I should explain. In the third last line I stated "I have no doubt that some forests can be burned regularly without doing any harm; maybe some of ours can be... in other parts". That is the exact opposite to what I intended to say. Towards the end of that statement, the words appear "I feel that we will not go very far wrong in arriving at a solution of the problem if we consider only what has been successful in forests in other parts". I think the word "wrong" should be deleted. I have no doubt that some forests could be burned regularly, and if it is necessary to elaborate that now by my giving evidence, I shall clear it up. My opinion is not quite correctly expressed in the transcript.

MR. GOWAN: If Mr. Kelso proposes to add to his evidence, as distinct from correcting clerical errors in the official transcript, I suggest that he should re-enter the witness box.

THE COMMISSIONER: Yes.

ALEXANDER EDWARD KELSO, Recalled and Further Examined.

THE COMMISSIONER: You have been sworn?—Yes. The opinion I hold concerning this question of whether or not forests can be
burned regularly with safety?--

When you use the word "safety" now that is different from what you said -- "...without doing them any harm." Is that what you want to correct?---I use that in virtually the same way. I hope to submit something more comprehensive later, but for the present I say that my opinion is that I have no doubt that mountain ash forests cannot be burned regularly with any fire, however gentle, without doing considerable harm to the trees. Also, I have no doubt that the forests of the thicker bark type, such as messmate, could be burned without doing the big trees any harm. It is definitely my opinion that the thicker bark tree forests will be harmed by burning in this way, that the seedling trees will definitely be destroyed, or a big percentage of them. A doubt arises as to the stage at which the messmate forests can be safely burned, as to the age at which the thicker bark trees can be dealt with in that way. I feel that that is a matter dependent on the position of the trees, local conditions, and the frequency with which you can safely fire the forests, so far as the timber is concerned. If a tree in a particular district is sufficiently developed at ten years to be immune from danger, then conceivably that type of timber could be burned once in ten years without completely destroying that forest in the end. That is my explanation of the doubt that I previously expressed in my evidence. In that respect, and in that respect only, should it be taken that I say "some forests can be burned regularly without doing them any harm; may be some of ours can be".

My opinion is that there is very grave danger in regularly burning off in thick bark tree forests. There is also the important aspect of the destruction of the ground mulch, which is a protection to the forests in that the mulch is the seed bed, the place in which the forests hold a great deal of the water necessary for the trees.

The mulch is a very important element in the water production
of the area. I hope to make the matter more clear later, but it is important that what was really an inaccurate statement of what I intended to convey should be clarified at this stage.

THE WITNESS WITHDREW.

MR. LAWRENCE: It is highly probable that during the course of the inquiry a large number of officers and employees of all ranks in the Forests Commission will be called to give evidence before you, either by the Forests Commission or by those who are assisting the Royal Commission. The Forests Commission is greatly disturbed that in the course of this enquiry, and under the stress of cross examination, some junior officers and employees may be self-committed on matters of policy that they do not understand.

THE COMMISSIONER: How could that be, if they are junior officers?

MR. LAWRENCE: In this sense, that they can report to you only the instructions that they have received.

THE COMMISSIONER: There is a well known rule of law, which is a good rule of commonsense, that a man who is not an agent for the principal cannot make an admission for the principal unless he is specifically authorised to make that admission. If I have a junior officer trying to tell me of policy of the Forests Commission, I should look doubtfully at his evidence, unless it was confirmed by some person in higher authority.

MR. LAWRENCE: Now that I am satisfied that you will seek clarification, which can and will be supplied, I feel more assured on the subject.

THE COMMISSIONER: If I were in your position, I should not allow anything like that to influence me. Every party has ample opportunity to place whatever evidence it desires before me.

If I wanted to ascertain the policy of a big firm in Melbourne, I would not take what the office boy told me, I would take the view...
of a leading executive officer or a director of the firm.
I shall apply the same policy in this inquiry.

MR. LANKNER: The Forests Commission is most anxious to assist the
Royal Commission in every way possible to provide evidence
on a thorough basis. But the Forests Commission is
anxious that it should only be provided on a thorough basis.

THS COMMISSIONER: I will be anxious to prevent any questioning of a
junior officer on what is the policy of the Forests Commission.
I should not like to get the officer into trouble and I should
not like to mislead myself.

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JOHN ALEXANDER BLACKMORE, Sworn and Examined.

MR. COSANS: Your name is John Alexander Blackmore, you are a foreman in
the employ of the Forests Commission, and you live at
Toelangi?---Yes.

Early in January of this year, do you remember having seen a bush fire
in the vicinity of the Yea road?---Yes.

What was the first date on which you saw that fire?---About 1 p.m. on the
1st of January. I saw the smoke go up, I went to McNulty's
spur, and located the fire. That was before 1 o'clock.

Did you go to the scene of the fire?---I went to the Forests Officer,
told him of the occurrence of the fire, and we went off
practically direct to it.

That would be to the Yea road?---Yes.

About how far from the main Toelangi-Kinglake road would that be?---
From the main Toelangi-Kinglake road it would be approximately
one and a half miles on the Yea road.

Did you investigate the source of that fire?---I have since.

Without taking this as conclusive evidence, will you tell the Commission
what conclusion you came to as to the place where the fire
started?---In company with Detectives North and Craig, I
made an investigation of the area, and we actually decided on
one place as where the fire had started.

Where was that?---I think I said previously on No. 2 Mountain Creek, but
since then we have made a further investigation and find that
it was on No. 3 Mountain Creek.

The Commissioner: That was a question of survey, but you still think it
started at the same spot as you had originally decided on?---
That is correct.

Did you find out by asking questions, or from your own observations?---
From my own observations with the detectives.

Mr. Corrand: Have you since indicated to an officer of the Forests
Commission the point that you say was the source of the fire,
for the purpose of having a survey made of that spot?---Yes,
Mr. Torbet.

I understand he has since had a survey made of the spot?---That is correct.

What was the information that led you to think the fire started at that
particular spot?---The wind on that Sunday was north westerly,
or it may have been a little more northerly than westerly. The
wind drove the fire at a terrific pace towards the Mount Slide
service station. We considered from that fact that the fire
evidently started at the place named.

Did you visit that spot?---Yes.

Was there anything at that spot or in that area to indicate that the fire
started there?---When we went up, we saw the position. The
fire burned slowly for a start, I should say, for roughly three
or four chains. Even the bracken was just browned, and as the
wind rose it evidently drove the fire right away, because it was
all burnt perfectly black. But on the sides the scrub was still
green.

Did you see any signs of an old fire there?---On the opposite side of
the creek there had been an old fire.

About how old do you say it was?---Some time in October.

Had that burned up to the point where the new fire started?---No, there
would be roughly one chain between the two fires.

Did you see a particular tree there?—No, I did not make observations of a particular tree there.

I wanted to direct your attention to whether or not there was a particular tree there which might have indicated that it had burned longer than the other parts, in the old fire?—I could not say, because I did not make investigations with regard to it.

You do not know whether Detective North drew some inference from it?—I do not know about Detective North, but I think Detective Craig did.

On what property was the particular point that you placed as the origin of the fire?—I would say it was private property. In my first evidence, I think I stated it was Crown lands, but on the survey it is definitely shown that it is private property.

Are you referring to evidence that you gave at an inquest concerning deaths that took place in this fire?—That is correct.

THE COMMISSIONER: Was the area enclosed or did it have any buildings on it?—None whatever.

Just somewhere out in the bush?—That is correct.

To all intents and purposes it is out amongst Crown lands there?—That is correct. There are a few houses around that neighborhood, within approximately half a mile.

MR. ORANGE: Who occupies the closest house to that vicinity?—Mr. Johnson or Mr. Bradley.

How far is McShannon's place from there?—Roughly half a mile.

On whose property was the old fire?—On McShannon's property.

Can we take it that the particular land on which you presume the fire started would be of no use for anything?—It would be of no use whatever.

There would be no likelihood of anybody using it for prospecting, camping, or any other purpose?—Prospecting had been undertaken lower down many years ago, but not in recent years.
Did you see anything or in around that area to indicate how the fire started?—Not that I could see.

From your observations on the 1st of January, have you any idea when the fire started, whether or not it started on that day?—That would be beyond me. I could not say whether or not it started that day.

You remained there fighting the fire for some time?—Yes; altogether we were eight days fighting it.

In conjunction with a gang of men under Mr. Torbet?—With Mr. Denby up to the 6th of January, and then Mr. Torbet came in.

Mr. Denby and Mr. Harling lost their lives in that fire subsequently?—Yes.

At what part was that?—At Cutter Creek.

Where is that in relation to the Yea road?—Approximately due east from West's bridge—below West's bridge.

Did you see any other fire start in that neighborhood, or any other fire that you thought started in that neighborhood between the 1st and the 9th of January?—As far as I could gather another fire started in the neighborhood, somewhere in the vicinity of West's bridge, about the 8th of January.

Is West's bridge on Castella road?—On the main Yea road.

What was the prevailing wind between the 1st of January and the time when you finished fighting the fire?—The wind was varying. Very often in the morning it was a northerly. We would be working on a northerly face, we would practically get the fire under control, the wind would veer right around to a southerly and that was the whole trouble right along. The wind was changing all the time.

(Continued on page 140).
MR. COWANS: Can we take it that the fire that you first saw swept on from Kingleeka towards Toolangi. Is it your belief that that fire continued on down Chum Creek Road?—I would say that it was the continuation of the same fire.

In what other direction did it spread?—Northerly as well, in the direction of Barbathong, also. I would say in the direction of the plantation at Barbathong.

Can you remember what kind of day it was on the 1st January?—It was a very windy day. It was reasonably warm.

There is not much settlement between the point where you first saw the fire and the Toolangi township?—There is a fair bit, just scattered about.

Were you at Toolangi when the fire reached there?—No, I was in Kealineville here on the Tuesday.

You cannot tell us what steps were taken to preserve property round Toolangi?—No.

What point had the fire reached when you finished fighting it?—It is hard to give that information. When we finished fighting it was really on the day it got out of control, on the 8th. It was everywhere in no time.

Where did you leave it?—Really on the Catter Creek.

Do you know whether that was the same fire which found its way down into the Acheron Valley?—It would be hard for me to say, but probably it would be the same fire.

Did you visit the area around West's Bridge?—No.

You cannot give us any information as to the cause of that fire?—The only conclusion that I could come to was that they probably lit that fire there to save property. That is only a matter of guesswork.

Do you know anybody that could give the Commission any information about that?—No, I do not know that I do.

Have you been able to follow the course of the fire from where you first saw it down towards the Barbathong?—No.
Do you remember giving a statement to Detective North that the course of the fire followed right through to Coolangi and then further along to Narbethong?—I may have said that. I would not say that it did or did not.

You were merely theorising?—That is right.

Is it your belief that this fire that you saw was the one which burned from Coolangi to Murwindindi, to Narbethong and on from there?—That is correct.

You told us that you did not know anything about any precautionary measures that were taken around the Coolangi township itself?—No, none whatever.

Had you been in the neighbourhood of this fire prior to the 1st January?—Yes, about three weeks previously.

What was the condition of the bush then?—Very rough.

Was there any dead stuff around?—Plenty. It would take you all your time to pick your way through it. That was on this private property.

What led you to think it was private property? First of all you thought it was Crown land?—By the surveys which I took in company with Mr. Moulds.

THE COMMISSIONER: It is private property because apparently nobody now leases or owns it. It has no fences and there are no buildings. Nobody is dwelling on it?—That is correct.

There are blocks of Crown land in the immediate neighbourhood.

MR. GOWANS: That is not reserve forest?—No.

Is the condition of the Crown land in the neighbourhood the same as the condition of the private property?—Yes, it is very rough country.

MR. KELSO: You saw this fire at about 1 o'clock on Sunday 1st January and you have stated that you went to the forest ranger. What time did you get back?—Roughly about 7 p.m. We had tea and then returned immediately.
To your knowledge was anyone at that fire in the meantime?—Not to my knowledge. There may have been someone there, but we would not see anyone.

I only asked what you knew. When we went out towards the fire, did you start from Toolangi?—That is correct. We went as far as the Castella road and then up the Kinglake road. From Toolangi you went along the Kinglake road?—The Castella road to the Yea road, and then up the Yea road to the service station at Kinglake.

You did not follow the Ridge road?—No, we did not follow that because we knew it was practically no use going there. the fire was lower down.

What was the position of the fire in the vicinity of the petrol station?—I take that to be where the Mt. Slide road comes up. Where was the fire from there which you were there?—I would say that it would be in a north-westerly direction.

It had not crossed the Yea road?—We came through that road. It did not cross the main road between Mt. Slide and Kinglake. We returned in company with Mr. Denby. Mr. Denby went along that main road and he came back and said that "It ought to be reasonably safe so far as the conditions are concerned". What happened after that I could not tell you. I went on another road altogether.

You did not go back to Toolangi along the road from Mt. Slide at the petrol station?—We went along that road after 7 o'clock. There was a fire drawing towards the road.

I mean west between Toolangi and Mt. Slide petrol station?—There was a little fire there.

There was another fire?—No, it was the same fire.

We will not worry about whether it was the same fire. There was some fire between Toolangi and the Mt. Slide petrol station?—That is correct.

This fire had crossed the Yea road?—It did cross the main Yea road.
The Mt. Slide to Yea road; it was east of that at that time?—That is correct.

That was in the evening?—Yes.

How far east of this Mt. Slide—Yea road was the fire on the evening on the last?—It would really be due north.

No. You just said that it had crossed it on the Toolangi side?—It had crossed the main Hogan's road.

You did encounter it on the way home to Toolangi?—We burned back off that road at approximately 9 o'clock at night.

You were still at work at 9 p.m.?—Yes. We came back along the Mt. Slide road towards Toolangi for, I suppose, roughly about half a mile.

You were along the main road from this patrol station to Toolangi?—We burned back and then we would burn back a certain distance. We turned on to Leonard's road and then on back burned back along that. There were two men doing the burning back.

Did the fire go out immediately you lit it?—No, it could not do that. It was out next morning, what we call safe. It was not actually out.

Actually, on that evening, whether the original fire had done it or not, there was fire at least half a mile along the Ridge road, between this patrol station and Toolangi?—Yes.

Was it on both sides of the road?—No, only one. I did not see it on the south side of the road that evening.

At any time later?—I was not there. I could not tell you.

I thought you said that you worked on this fire?—Only in the evening.

We were on the Yea road in the day time.

You did not go up, on the the main ridge road?—Not until the evening.

In the six days after the 1st January, you were fighting on that fire all the time?—Yes. I think there was an average of eight men in the party all the time.
How many men were in the party on the day after 1st January?—-I think Mr. Torbet. I was there and I would say there were roughly eight Forestry employees, independent of volunteers of which there were quite a few.

On the day after the Sunday?—-No, on the Tuesday. I am speaking of the Monday. That is correct.

Where were those chaps fighting the fires?—-They were fighting it then on the Yea road.

You are talking about the day after you saw it first?—-Yes. I had some men in Bentley's property. That would be approximately from the Castella Post Office.

Somewhere in the vicinity of where we are told the fire left the road to the State Forest?—-Yes, in towards that road.

When did that leap occur?—-On the third.

A couple of days afterwards. Was this fire making headway most of the time?—-It was burning slowly all the time— we had the fire under control— we never had it once under control.

You are bushmen. Do you think that if you had got on to it pretty solidly on the Sunday, you could have got it out?—-I do not think so. It was impossible.

How big was it when you saw it?—-I would say that it would be approximately three-quarters of a mile wide and about 1/2 miles long.

That is a fairly big fire?—-Yes.

Do you think that was right up solely on that Sunday when you first saw it at 1 o'clock?—-I could not say that. I am not sure about it.

Did you ever go along the piece that you burned back in those six days to have a look at it?—-Yes, often.

Did you see it across the ridge road, on the south of the ridge road on any of those occasions?—-What do you mean by the ridge road.
I am referring to the ridge between the petrol bowser and Toolangi?—
It was across there on the Yea Main road on the Sunday evening.

That is the road from Mt. Slide to Yea. I am talking about the
at. Slide to Toolangi road — the one right along the top?—It may have been.

You went around it. You do not know whether it was across the road
or not?—I never went around it — not in that area.

I did not visit that.

Did anyone do so to your knowledge?—Not to my knowledge.

I understand you to say that you got back to the fire about 7 o'clock
and that somewhere about 9 o'clock you and the forestry
officer, without anyone assisting you, did actually burn
back?—That is correct.

Did you burn back towards the west, towards Kinglake?—Yes. I did
not go with Mr. Denby. When he came back all he said
was that "the fire should be reasonably safe now I have
burned back". I could not say how far he went but he
was away for the best part of two hours.

From your knowledge of the bush at this time would you reckon that
a fire that two of you lit in that district was really
likely to have gone out?—Yes, with the wind that was
prevailing. There was a very quiet south wind.

It had changed by this time?—Yes, burning with the breeze.

MR. LAWRENCE: In regard to the fire that you spotted at 1 p.m.
on New Year's Day, where were you when you saw it?—In
Toolangi proper.

Did you communicate with Mr. Denby at once?—That is correct.

What steps did he take at the time to investigate the fire?—The steps
he took were to go straight to it. There was Mr. George
Biggs, Mr. Sid. Biggs, Mr. Brenda, Mr. Young, Mr. Denby,
and myself. I could not say whether there were any more
men or not. There were 7 or 8 men. That gang was whipped
up at once.

Were they all Forests Commission employees?—No, some were volunteers.

They were whipped up immediately on your notifying the fire and Mr. Denby took them towards the fire at once?—Yes. The employees of the Forests Commission were authorised by Mr. Denby to make in the direction of his place at any time when they saw smoke, and if not to his place, to where the fire was situated. That was a ruling order and they knew it.

That same day was a public holiday and the men were not working?—That is correct.

At what time did you reach the fire?—At 2 o'clock.

That was one hour after you saw it?—One hour after I located the fire.

You have told Mr. Kelso that you estimated that the fire had a front of three-quarters of a mile at 2 o'clock?—That is correct.

What would you estimate the wind velocity at?—I would say the wind was blowing at 40 miles an hour. It was very hot and the wind was in the north-west.

It was an extremely bad day?—Absolutely.

When did the last rain fall?—You mean previous to that time. I think it was some time before.

It was in very bad scrubby mesmate country?—Very rough country, as dry as tinder. I had been through the area and I knew it.

From your experience as a bushman would you hesitate in saying that on such a day a fire once it got going could spread as you saw it?—Yes, very much so.

THE COMMISSIONER: I do not follow that.

MR. LAWRENCE: You do not hesitate in saying that?—No, I do not hesitate at all; it would do it easily.

You told Mr. Kelso that you worked on that fire until 7 o'clock?—Yes.
What did you do then?---We had cut a break from the Yea road to the
Mountain peak and subdued the fire in that area. We
had looked along the Castella road and Mr. Denby said to
the boys "You have had no tea and very little dinner. We
will have tea and go back".
You left the fire at 7 o'clock? That is correct. It was then reason-
able under control. The wind velocity had dropped and
the direction had turned to the south. It was quite cool.
The wind direction had changed and therefore the front on which you
had been working had then become the flank or rear of the
fire?---That is correct.
You told Mr. Keiso that after tea you and Mr. Denby went along Hogan's
road to inspect the other flank of the fire?---That is
correct.
The front that you worked on afterwards became the flank or the
direction of the fire which was threatening the forest?---
That is correct. That is what we worked on first.
Was it in reserve forest?---No. I would say it was ½ miles from it
What land was the fire located on when you were working on it?---On
private property and on a bit of Crown land.
Was it always Mr. Denby's policy in such cases to go out whether it
was State Forest or Crown land?---I think he always went.
He said the thing to do was to stop it and that we did not want to get it into the State Forest. That was
always his motive, whether it was on private property or
not.
What was the wind direction on the morning of Monday the 7th?---I
would say that the direction was northerly.
It was northerly again?---Yes.
Was the fire threatening? Did you think it had broken away when you
saw it from Toogang in the morning?---No. We reached it
at 80 minutes past 6.
Mr. Denby still regarded the fire as safe?---Reasonably safe.
How many men did he take?---I think he had the full eight men.
I know that on that day the crowd for the fire was

...and so on.

Did you know that the fire was under control at any time?

The wind had gone down, and the fire was under control. I think it was correct. What time did the fire break in the forest to the rest today?

I don't know if the fire was under control on the Wednesday and the Thursday.

Yes, I know that the fire was under control on the Wednesday.
afternoon?—I would say up the spur, in the vicinity of half a mile.

Were you able to get that part of the fire under control?—We got that part of the fire under control on the western side. That was the only point at which that fire jumped into the forest.

To what do you attribute that? How was it that the fire did not jump over in other places?—Because we had it checked. You had the fire well checked elsewhere and it was unfortunate that it leapt over at that spot?—Yes.

Did the flame leap across the road?—No. The bark off the trees caused the fire to get over. It was a crown fire.

On what day did Mr. Torbet arrive?—If I remember rightly, it was on the 6th January. It was on the Friday.

What progress had that fire made? You have told us that it jumped over the road on the Wednesday afternoon and by that night it had gone half a mile up the spur?—That is correct.

Between the Wednesday and the Friday when Mr. Torbet came, how far had that fire extended?—Not more than half a mile.

You were still just holding it?—That was the position.

To the best of your knowledge Mr. Denby had sent for assistance?—That is correct.

Of course, we do not know why he did so?—We do not know.

Can you tell the Commission whether any protective burning in scrub had been done under Mr. Denby's instructions at any time, either in the State forest or in unoccupied crown land north of the forest?—Yes, he had done burning off; not this year, but last year.

Why not this year?—On account of the dry conditions. The climatic conditions would not allow it; it was too dangerous.

It was done as a general custom in previous years?—He would burn out those northern slopes if possible. He would do that about November.
Does that apply to the State Forest only or was it also done in Crown lands to the north?—He burned in the State Forest, too, in fact, in the breaken.

He also did it in the Crown lands to the north?—That is correct.

Would that prove effective in arresting the progress of the fire?—Yes, it would in normal years; but it had no effect whatsoever this year. If a break had been a mile wide it would have gone over it.

Mr. Kelso: I must have heard you wrongly when you told me the times on the Sunday. What time was it when you saw the fire?—At approximately 1 o'clock.

What time did you go to the Forestry officer?—I should say it would be roughly 10 minutes past one.

I thought you said 2 o'clock previously?—That was when we got to the fire.

It was not 7 o'clock?—No, that was in the evening.

You were there all the afternoon?—Yes, that is correct.

At what time did you actually burn this break?—I should say it was about 9 o'clock.

He burned the break and you were with him?—Yes.

You are sure that at that time it had not crossed this ridge between the patrol pump and Toolangi?—That is correct to the best of my knowledge. If it crossed it at any time, it was later.

Mr. Swindon: Did you have any volunteers from the City at the Toolangi fires?—They came on the Tuesday, the 10th January.

What class of men were they?—We did not use any of them so I could not tell you.

Were they equipped at all?—That is more than I can say. I saw the men there but they were not wanted, because all the damage had been done. They really arrived too late.
THE COMMISSIONER: City volunteers consist of any persons who can be prevailed upon to leave Melbourne?—That is correct.

Q.------ They may have never seen a bush fire before?—That is so. They may never have been in the bush before?—That is so. They might be a bigger danger to themselves than anything else?—Yes.

MR. SMYTH: Can you give me any opinion as to what possible steps could be taken as a protection against bush fires in a settlement such as Boolangi in an ordinary year?—It is hard for me to say. I do not know the policy of the Commission.

I do not want the policy. You have had a lot of experience in the bush. Just tell me as a bushman—-I think that if the areas of private blocks at the outskirts of the forest could be burned early in the summer, it would act as a big check against fires coming in from those areas.

How far would you burn? I suppose that would depend on the nature of the country?—Yes, the burning could be done where the timber was messmate, but you would probably not burn at all where Mountain Ash was growing. In messmate country I think it would be advisable to let it go as far as it would.

Why should you not burn ash country?—It would kill the trees. It does not take much of a fire to kill them.

(continued on page 153).
THE COMMISSIONER: Just forget you are a forest man and imagine you are devising some scheme to protect a place like Toolangi.

Do you think you would burn?—I think that would be a very wise thing to do given favourable weather.

If there were a settlement just north of you you might be in trouble?—You, you would have to look after that.

Was there anything like that done at Toolangi, not by the Forest Commission, but by local people—anybody at all?—I think some people did take reasonable care in the normal times of the year.

To protect the whole town?—No, to protect their little bit of property; but there has been very little of that done this year.

Perhaps it is just as well?—However, it is done by people who understand. They do not light the fires if they think it is dangerous.

What do you think of cutting breaks?—In the right sort of weather I think breaks are a very fine thing, not only to burn back from, but also as inlets and outlets to the forest. We proved that on the day Mr. Denby and Mr. Darling got burnt. If we had scrub to go through we would have been caught.

Breaks make access into and out of the forest. I think they are useful for that purpose, and also to burn back from.

You would want to keep them clean?—Yes.

On a very bad day with a high temperature and strong wind are they of any use?—If the break had been half a mile wide on the day it would not have been much use.

Does your evidence come to this, there is nothing much you can do to protect a small settlement such as that in very bad weather?—There is very little you can do. You can only endeavour to check it; but if the day breaks out like that Sunday you would want an away to stop it.

An away would not stop it. I think it would just consume the army?—Yes.

Do you think any good would be done by keeping the settlement itself clean inside, around the houses and the tracks from one house to another? I think that would help.

There again you get as many fires starting in the roofs as anywhere else?—Yes. That was the trouble.
Then you can watch all round the sides but the fire starts in the roof?—

Yes, that is right.

Do not agree with what I am saying because I am saying it?—No. That suggestion is quite feasible.

That is only what I have heard from men like yourself?—That is quite feasible.

Suppose you saw, out in the real bush country, a distant bushfire start where there is no habitation, is it anybody's business to try and get it under control and put it out?—Yes, if it is on forest country.

I do not mean forest land?—I do not know anything about crown land, but in the company of Mr. Denby I always have always gone to those fires.

Suppose they were several miles away from any inhabited place?—We just want to them.

You might be several days out at a fire?—I think the longest I have been is about 48 hours without a meal.

What did you do on those occasions?—We just endeavours to cut a break around the fire. That is all we generally do, to try and confine it to itself.

Do you try to burn back at all?—We do if it is suitable. If it is not we do not light and burn back at all.

That is a matter of your volunteering. There is no question of it being your duty as far as I understand?—we just use our own discretion.

I am not speaking of the Forests Commission property; it may belong to any Government Department or it may be private property?—we generally go and attend to those fires.

You have a local Bush Fire Brigade which turns out and helps you?—We have not.

Have you ever been in a place where they have a local Bush Fire Brigade?—No, I have not.

What would you do to protect a town like Healesville in a normal year. We all know this was a bad year?—in a normal year it would be enough to cut a small break around the town and burn back. You have roads to work off and all kinds of things like that, and I do not think you need worry in a normal year.

A strong wind might take it across?—It might, but in a normal year you could watch that. You could hold it because it would probably be only a ground fire. This was exceptional; it was a crown fire and that was the trouble.
MR. CONNIE: Is any fire too small for you to worry about?—Not that I know of. We go to most fires we see.

Under what circumstances would you not go to a fire?—I cannot say. Every fire we have seen we have gone to, that is within the proclaimed season.

Do you keep a lookout for the fires during the bushfire season?—Yes, I am on constant patrol myself. That is my duty.

Were you on patrol duty on the 1st January or was that a Public Holiday?—It was a Sunday. I saw the smoke. We are supposed to be on duty whether it is a Sunday, Monday or Tuesday.

How did you come to notice the smoke?—We were looking out for bush fires on account of the day.

Had you been along to Kinglake within the week or so prior to the 1st January?—Yes, in company with Mr. Denby.

Were you looking for fires?—Not altogether looking for fires, but we went round having a look at the areas that were burnt. That was earlier in the year.

Can you tell me the last date prior to New Year's Day when you were at Kinglake?—I could not give you the exact day, but I will say about 3 weeks. I do not keep a record of the dates.

Do you know a man named Murphy, a Country Roads Board patrol man?—Yes. If he says that on the 30th, two days before New Year's Day, he saw this bushfire burning on the west side of the Mt. Slide—Glenburn Road, would you say that was correct?—I would not contradict the statement.

What system has the Forests Commission for making sure there are no fires burning in the area of the forests? You only go along those areas say every three weeks?—Kinglake itself is really outside our district.

I appreciate that, but your boundary goes as far as Castella Road?—A little further than that.

If you had been along there you would have seen this fire?—I was not in company with Mr. Denby, but I know he was through that district on the Friday previous to the Sunday.

That is Friday, 30th December?—That would be about it, yes.

Would you hear from Mr. Denby whether he had any information about fires there?—When he came back he said "Thank goodness everything is all right on the Kinglake side."

155. BLACKBERRY.
That would be in conflict with Murphy's statement there was a fire about there on the 30th?—I would think so.

It would be in conflict?—Yes, that is right.

Suppose you had information of this fire on the very spot where you say it occurred, what steps would you have taken?—We would immediately have gone there and endeavoured to put it out.

No matter on whose property it was?—Yes.

What would have been done?—The work would have been to cut a break and confine the fire to the spot.

THE COMMISSIONER: How many men would be available for that?—Roughly about 8. However, on a normal day 8 men would confine a fire on the spot without any particular trouble at all.

It would depend on the size of the fire?—Yes.

And the density of the scrub?—Yes, that is correct.

MR. GOWANS: If the fire did in fact occur on the 30th, would you have been able to take any effectual steps to control it, if you had known of it?—Yes, we would have gone to the fire.

You think you would have been able to get it out?—Yes.

If in fact it was burning on the 30th, the fact it reached the dimensions it did was due to it not being seen in time?—That is correct.

But as you say although you do go out to the fires, it is not your duty to do so?—No.

Is it anybody's duty at all?—I could not say.

THE COMMISSIONER: Where the fire was it would have almost certainly been seen by thousands of people?—Yes, I would say that is correct.

Did you hear of anybody going out to try and stop it?—Not that I am aware of.

MR. GOWANS: I suppose it must have been obvious—I am not putting this against you—to you and other Forestry officers, including Mr. Denby, that with the prevailing north winds the fire would go somewhere up that way?—Yes.

I suppose that is why you were looking out that way on the 1st January?—We always treated that as a danger zone.

If this fire arose in the danger zone on the 30th, nobody in authority with any power to deal with it actually saw it?—That is correct.

It went on for two days without anybody in authority dealing with it until the wind came up on the 1st January and practically put it out of
control?—That is correct.

Assuming the Forests Commission had control of the area where the fire is supposed to have started, what steps would have been taken to have made the place safe, as far as you know?—As I stated before, I think what we would have done would be for to—

Assuming you had control over that area, can you tell the Commission what steps would have been taken before the fire started.

THE COMMISSIONER: Mr. Lawrence, is this one of the officers you would rather did not answer that question?

MR. GOWANS: If the witness cannot answer—

THE COMMISSIONER: It is for Mr. Lawrence to say whether he answers. (To witness) How long have you been doing this work?—Round about 12 months. I have been with the Forests Commission as a labourer for a few years, but I have only been a foreman for 12 months.

Can you speak of the practice of the Forests Commission, apart from the policy, in attacking a fire of that sort?—No, I cannot.

MR. GOWANS: I am perhaps putting it worse than that. I was asking the question with regard to what was done before a fire started. However, I will withdraw it.

THE COMMISSIONER: In view of what Mr. Lawrence has pointed out, I think we will get this information by proper evidence.

MR. LAWRENCE: There is no objection to the witness speaking of what he knows.

THE COMMISSIONER: I want to get to the truth, but I do not want to embarrass anyone.

MR. LAWRENCE: When we started this morning I am afraid I created a very bad impression.

THE COMMISSIONER: I have not noticed it.

MR. LAWRENCE: Thank you. There is no objection at all to Mr. Blackmore or any witness speaking of the practice from his own experience and within his own district. He would not commit himself in any way.

THE COMMISSIONER: That is what I thought we might have.

MR. GOWANS: Perhaps the Forest Commission might make a witness available later on to answer those questions.

THE COMMISSIONER: What is Mr. Blackmore's rank?
Mr. Gowans: He is a foreman.

The Commissioner: He ought to be able to speak of the practice.

Mr. Gowans: Perhaps I can put it this way. Suppose in your areas you had a spot which you regarded as a danger zone, can you tell the Commission what steps are taken to remedy that position?—In that locality there is no remedy at all.

If it is a danger zone it remains a danger zone.

The Commissioner: I do not think he means that?—What I meant was that if it is private country or Crown lands—

Mr. Gowans: Suppose you have in your own area a spot like this area we are speaking of where the fire started in rough, tangled country, what steps would ordinarily be taken to make sure a fire did not break out, or did not spread from there?—No, I could not answer that.

The Commissioner: Suppose your boundary went around this country you are discussing; it was part of the Forest Commission area. What would be done to make it safer?—We cut breaks in those kind of places in order to protect an area like that.

Mr. Gowans: How would you cut the breaks through?—They are generally cut through in a direct line, by following a spur or something like that.

It depends on the construction of the country?—Yes.

What are the widths of those breaks usually?—We have them from a chain wide down to about 16 feet.

Are there any breaks between the western boundary of the Reserve Forests up towards Castella Road and the Toolangi township?—None whatever. There is only one right on the spur. We rely on the roads for breaks there.

Apparently you use the Castella Road as a break?—Yes, or the Kingslake-Yea Road.

Once it gets across there is nothing to stop its spreading across Toolangi. Where would it have to go before reaching another break or road?—There are plenty of roads.

The road coming up from the Kingslake Road going east?—Yes, there are plenty of north and south roads.

The Commissioner: And bush tracks?—Yes, there are bush tracks used by bushcarters. We make it a practice to work in those kinds of places.
MR. GOWNS: apart from cutting breaks you burn in patches here and there where you think the danger is worst?—Yes, especially in patches of breaken.

As far as you know, did you have sufficient men on the job during the time you were fighting this fire?—Under ordinary conditions I would say we had plenty of men to handle that fire. As I said before Mr. Denby sent for me. I did not receive that communication and cannot account for that.

What I want to get at is whether it was the lack of men prevented you keeping this fire under control?—Yes, I do think that if we had had a few more men we probably would have got the fire under control. The wind varying from north to south each day and the trees slight in the heads—a Crown fire—was the whole trouble. It was not the ground fire that was worrying us; it was the Crown fire in the trees.

In the early stages before it reached those dimensions, did you have enough men to control it?—We kept it under control all the time.

May we assume from that that you had enough men to keep it in check but not enough to put it out?—That is correct.

Where would you get further men from?—I suppose we would have to get them from Toolangi or put through a call to Healesville.

Such men as were available in the forest?—Such men as we could get, volunteers.

You told the Commission about another fire which came from West's Bridge. What was the date that was first seen?—The 8th January.

What reason have you to think that was a new fire rather than an outburst of the original fire?—My reasons are these. We were escaping from the main fire and when we got to within about 200 yards of private property in Glenburn we stopped at a creek to have a drink and a little lunch, and we could not account for the fact that the fire was as far below us as after we had left the other fire on the bridge. We could not make out why it was burning back so quickly. That was proof that someone must have lit a fire lower down.

Why do you say someone must have lit a fire?—I only surmise a fire was lit lower down. I cannot say anything further than that. That fire was...the one which practically caught us when getting out—the lower fire.

Do you know of any reason why anybody would light a fire in the vicinity of West's Bridge?—
As I said it was just to protect property. That is the only reason I can give.

Do you think it might have been an emergency break burnt at the time, or do you think it was a break burnt as a precaution in case a fire came along?—I would think it would be as a precaution against an oncoming fire.

I would like you to give the Commission your view of this; this man Murphy I have mentioned before, is of the opinion that the fire which came from the Kingslake direction began somewhere near the Mt. Slide Service Station and went over to Glenburn, and that the other branch went on to Toolangi. That would be in conflict with the view you have given. Would you accept that or not?—I would say it would be the same fire. It is quite easy for fires to become divided. A ridge will very often do that.

It would still be open for you to say the new fire came up to one of the branches and the first fire went in the Glenburn direction?—That is correct.

THE COMMISSIONER: Are you given any instructions in fire fighting. Do recruits in your service receive that instruction?—Yes, we are given instructions by an officer in charge of the district.

Who is the officer in charge of your district?—Mr. Denby was the officer in charge.

Are men engaged for your work experienced bushmen?—Yes, most of them are all experienced bushmen.

I suppose all the instruction in the world is not as valuable as experience, or do you think you learn from the instructions given in fire-fighting?—Yes, I think you learn from these instructions, but of course experience teaches as well.

THE WITNESS WITHDRAW.
Recalled and further examined.

MR. GORDON: You have been sworn?—Yes.

Did you inspect the spot described by the previous witness and which you believe to be the source of this fire, and give instructions for a survey to be made of that particular spot?—I did.

?——— Who did you give those instructions to?—To Mr. Howie who is at present in charge of the Toolangi district.

Do you desire to add anything to the evidence you gave at Melbourne the other day, in connection with this fire?—I would just like to say that as a result of that survey I am definitely of the opinion that the fire which commenced in that area about the 1st January originated in private property. I believe that fire to have burned more or less under control until the 6th January, when it became out of control. On the afternoon of January 8th I believe that a second fire started in the vicinity of west's Bridge and that ultimately those two fires came together and swept in a northerly direction.

That is towards Toolangi?—No, away from Toolangi.

MR. LAWRENCE: You came into Toolangi on the 6th January?—That is correct.

What road did you follow to the township?—I came from Yarra Glen by the Mt. Slide Road to the Slide Service Station and then took the Ridge Road to Toolangi.

The portion from the Service Station was portion of the road the Commission covered this morning?—It was the road we covered from Toolangi to the Service Station this morning.

After you left the Service Station you were able to get a fair idea of the fire area?—Yes, ahead of us.

From the Service Station, coming along the Toolangi Road, did you see any burnt country?—Yes.

Would you tell the Commission where you saw that; was it in contact with the road?—Yes. It was on the north side of the Slide Road from the Service Station at Toolangi.

Was there any fire on the south side of the road?—Definitely no.

You were present when Mr. Blackmore gave his evidence?—Yes.

You heard him make a statement that he was in company with the late
Mr Denby was along that road on the 1st?—Yes.

You travelled over that road on the 5th and you definitely state that no fire had crossed the road to the south side at that time?—

That is correct.

Did you visit Toolangi at all prior to that date?—I did, on the 27th December.
What route did you follow at that time?---I came up from Yarra Glen, or Mount Slide, along the ridge into Toolangi.

That is practically the same route as you followed on the 6th of January?---Yes. After leaving Toolangi, I went to Kinglake and I cruised around various ridges in the vicinity of Kinglake to a distance of approximately five or six miles west of Kinglake. I then returned to the Yea road and proceeded right along that road and branched off into the township of Burridindie. I took another track into the township of Yea and later that evening I proceeded north around the Black range to Taggerty, where I stayed the night. I carried out that tour of inspection as the Fire Officer of the Forests Commission.

What was the nature of your report to the Commission concerning the fire position in the Toolangi district generally, and the Yea River valley in particular?---The basis of my report was that there was not a vestige of smoke of any description to be seen in the whole of that valley, and at that time there was no sign of a fire of any description.

You arrived at Toolangi on the 6th of January; at what time did you see Mr. Denby?---I did not see him until about 11 p.m. on the night of the 6th.

You did not actually go to the fires until you saw him?---I went out to the fire at about 2 p.m. or 3 p.m.

Were you able to link up with any of the fire fighters then?---Not at the fire. I did not know exactly on what face of the fire they were working. I followed around the whole face of the fire to make certain that those particular parts were quite safe. I eventually reached the head of the fire, but the men had been pulled out for a spell that night.

What was the fire position as you saw it on the 6th January and the early morning of the 7th?---I understand you took charge?---More or less, yes.
What steps did you take, in conjunction with other officers, to arrest
the further progress of that fire from the 6th to the 8th
of January when, as we know, you left the area?—After
making contact with Mr. Denby on the evening of the 6th
January, we left early on the morning of the 7th January,
between 5 a.m. and 6 a.m., to go to the fire. There were
10 in the party. Denby, Berling and myself held a
consultation and we decided that we would continue cutting
a trail around the face of the fire. That had been
started on the previous day. After working until some
time after mid-day on Saturday, we realised that the trail
we were cutting would not be very effective. The wind
was very choppy and changing, and in one or two places,
it had jumped our trail. We held another consultation
and decided that we would cut a fresh trail further to the
east, where, although there was some thick scrub, the dry
timber was very sparse. We commenced our trail along an
old existing track and we were cutting out approximately
north with the object of reaching a patch of young ash
seedlings that had been thinned out. Our object then was to
continue the trail around the boundary of the thinned ash
seedlings, slightly to the north-west, and then to cut a
trail west to an old burn which had been carried out a
month or two previous. Our trail going north was cut
off a fire break. Everything to the south of that fire
break was perfectly safe, the fire had been hemmed in,
and our object was to hem in this fire north of the break.
We continued cutting that trail for some time on Saturday
afternoon, until approximately 6.30 p.m., when we again
pulled out the men for a spell. We returned very early
on Sunday morning, the 8th of January. We considered that
we would have that trail out to its full length by 8 p.m.,
when the majority of men were to be spelled. They
were to be taken back some time in the evening to back
fire on to the main face of the fire. We considered that if we could get that done that fire would definitely be under control. It would not be out, because no fire is out this weather until rain absolutely puts it out. But under the prevailing conditions, if we had been able to do what we attempted to do, we would consider that fire to be as safe as it possibly could be. Unfortunately, about mid-day on the 8th of January, a very high wind rose, and that fire became unmanageable and out of control and we had to get out of the area.

What route did you follow when leaving the fire?—For a start we tried to go south, but we were cut off by the face of the fire. We then went easterly and again tried to go south by another track, but again we were cut off. We then had to turn on our steps and we got out in a northerly direction towards Glenburn.

After you left the fire and proceeded north, did you proceed through green country?—We did. There was no sign of fire in the country we traversed then.

Before you left the forest, did you encounter any further sign of fire?—We did.

How far through the green country do you estimate you had proceeded before you again struck fire?—Possibly three miles, when we were travelling north. At that time the wind was from the south west.

When you again struck fire, it was really cutting approximately across your route of march, coming from the west or south west?—Yes.

Have you learnt anything subsequently as to the supposed point of origin of that fire?—After getting out of that area by way of Glenburn, I returned to Toolangi along the Yea Road. When approaching West's Bridge, there were a considerable number of people about, and I made
inquiries about the fire that had started that afternoon. Those inquiries led me to believe that that fire definitely started between 2 p.m. and 3 p.m. on the 8th of January, and that it was lit by some person as a back break. Possibly someone may have become panicky that the fire from which we had escaped might have extended and he may have burnt this back fire with the object of protecting his property. That is surmise, but I believe that fire to have commenced at that point on the afternoon of the 8th of January.

In your opinion, could that fire, which we will call the west’s bridge fire, by any remote possibility have originated from the big fire you were at previously?—I do not think so.

Leaving the question of the actual fires momentarily, when do you consider a fire is out in this country?—When there is no signs of smouldering logs and no live coals.

THE COMMISSIONER: When it is out?—Yes, when it is out.

MR. LAWSON: In weather such as we have been experiencing since mid December, how long do you consider an extensive fire would take to go out?—It would take weeks, and possibly months, or until such time as heavy rain fell to put it out.

When do you consider a fire is under control?—When that fire is making no appreciable headway, and under the climatic conditions applying at that time it is not getting away from the man holding it.

In weather such as we have experienced since mid December, do you regard any fire that is under control as safe?—Possibly it is safe for the time being.

What conditions reduce that margin of safety to a minimum?—A rapid increase in temperature with very low relative humidity, and a wind of high velocity, more especially a north
Having heard Mr. Blackmore's evidence, from your experience - I am merely asking for your opinion - do you consider that that fire was probably well under control and that the factors which you enumerated played a very large part in causing that fire to jump the road and get away? - I consider that fire was definitely under control up to 11.30 a.m. on the 6th of January, and that it was under control during the whole of that period from when it had started. Under the climatic conditions that arose about mid-day on Sunday, the 8th of January, the fire became out of control, due solely to the increased velocity of the wind.

I would like you to amplify one or two points with regard to the isolation of recognised fire hazards. From your knowledge as the Field Fire Officer of the Forests Commission, will you tell the Commission what steps the Commission has taken to isolate extreme fire hazards such as the one inspected by the Commission this morning. That fire hazard was on Crown lands and private property on the northern side of a reserved forest area? - In such a position as that, work is definitely done within the forest boundary; that work would probably consist of the burning of a wide break or a buffer belt facing the direction from which that hazard to the Commission would come, with the idea of preventing it entering forest property. In addition, during the danger months of the year, a more detailed outlook would be kept over that particular portion.

I understand that on this aspect you propose to submit more detailed information to the Commission at a later date? - I do.

THE COMMISSIONER: That evidence could be submitted in Melbourne, when I desire to obtain as much expert evidence as possible.
EXAMINED BY MR. EIDSO: You say you came up to the Mount Slide crossing on the 5th of January, at what time was that?—About 1:30 p.m.

Did you say that nowhere along the south side of the road between the petrol station and Toolangi was there any fire at that time?—No recent fire.

What do you call a recent fire?—May fire that had burned within two months.

There had been a fire there?—There had been a fire previous to that time.

At what place had the old fire burned?—To the Healesville side of the petrol station, and it extended along the Mount Slide road to Yarra Glen.

You mean on the Toolangi side of the main petrol station?—Yes, a slight distance from there.

There had been no fire further down than that?—Not on the south side.

Did you take the trouble to watch for that?—I did.

Or is it a matter of your telling the Commission something that followed a casual observation?—I was through the country on the 27th of December, when none of it was burnt. I came through again on the 5th of January, and, as I knew that a fire had come through there on the 1st of January, I took particular notice of the country that had been burnt in the meantime.

You say this part had not been burnt, but were you watching on the north side and taking special notice?—I was watching both sides, it was not just a casual recollection.

Did you make a special mental note about it?—Yes, and I discussed the matter with the late Mr. Denby. He informed that he had fired from the Toolangi road.

That is what the witness Blackmore said?—Yes, from that I concluded his back firing had been successful and that the fire had been unable to cross to the south side of the road.

That is a conclusion, not a result of observation?—That is a
conclusion. My observation was that it was not on the south side of the road on that date.

The real question is that you did not observe it on the south side?---

I did not observe any fire on the south side of that road.

Or any signs of a recent fire?---No.

THE COMMISSIONER: Do you go further and say that you observed that there were none? Just not observing means that you did not see any, that you may not have noticed any fires. Were you on the lookout, and did you then observe that there were none?---I was on the lookout along that road. I travelled the road and, as far as I could say, on both sides of the road I was on the lookout for fires and I saw none.

THE WITNESS WITHDREW.

FRANCIS ROBERT MOULDS, Assistant Forester, Forests Commission; Sworn and Examined.

MR. GOWANS: Did you go to a spot in the vicinity of No. 5 Mountain Creek with Mr. Torbet and take a survey of a spot that he pointed out to you?---Yes, but I was not with Mr. Torbet at when I took the survey. He pointed out the spot that he desired me to survey. I produced to the Commissioner a tracing of the survey I made. It is on the same scale as the parish map scale. I shall mark the area on the map.

EXHIBIT "Q"... Map of Kinglake and tracing of survey made by witness.

Do you know whose property that is?---On the map it is shown as Andrews's property. It is allotment No. 78.

THE COMMISSIONER: In case any injury is done by the mention of that name, I desire to ascertain whether or not you can definitely say that Mr. Andrews now has anything to do with that property?---I do not know, but that is the name on the map.

We shall refer to that name merely as referring to the allotment, for identification purposes.

169. Torbet.
MOULDS.
MR. GOWANS: We could refer to it as allotment No 76, parish of
Ringlake.

THE WITNESS WITNESSES.

ARTHUR GREGORY KAY, Sworn and Examined.

MR. GOWANS: What is your full name?—Arthur Gregory Kay; I am the
President of the Shire of Realesville, I reside at
Realesville, and I am a guest house proprietor. I have
lived in this district for approximately 50 years.
During that time have you had much experience in connection with the
cause of bush fires?—I should say, yes.
From your experience during that time, what do you find is the main
cause of bush fires in this area?—Carelessness in
lighting fires on private property.
For what purpose?—For clearing rubbish off the ground, for clearing
blackberries and bracken, and burning off ready for
sowing for autumn.
Do you find that burning off takes place during the summer months?—
Always.
Do you mean by that, all times of the year?—Always in the summer
months.
They burn off even during the proclaimed periods, from November to
March?—They do.

THE COMMISSIONER: I do not suppose they could burn at any other time?—
Sometimes they could burn outside the proclaimed period.
We know very well that they burn off so as to get a good
burn for grass sowing and to avoid the nuisance inspector.

MR. GOWANS: Have you any suggestion to make to the Commission for the
purpose of preventing bush fires arising from those
causes?—Yes, I have a very firm opinion in that respect.
I live right in the forest. It is right beside my
place, but the forest has now been burned bare.
I say that the Forests Commission should take some steps
to clear the floor of the forest. Having every consideration for seedlings, I should say that the Commission should take every precaution when burning the floor of the forest.

**THE COMMISSIONER:** How would you describe the floor of the forest that is under the control of the department?—In my particular area, fallen leaves, bark, blackberries and bracken form a bed 5 feet high, and my sympathy is with the forest officers when a fire gets into such a floor as that. They cannot possibly stop the fire.

The only practicable way you could clear it is by fire, I presume?—Yes, but it should be done under proper supervision, and, in my opinion, it should be done.

As far as you have observed since you have been here, has it always been the practice of the Commission not to burn the floor?—Not to burn, yes.

Have you ever known the Commission to burn in their own reserves?—No, I have not.

**EXAMINED BY MR. LAWRENCE:** I understand from your evidence that you have had lengthy, considerable and close contact with bush conditions?—Yes.

**In your advice to the Commission, what class of burning in the forests are you suggesting should be done?**—The bracken should be burnt for a start, and there are large areas of bracken in my country. The heavy winter will lay it flat, and no seedlings come up in that debris, except bracken, because the tree seedlings are smothered. The debris should be cleared out into heaps in clear patches and burnt, so as to save the seedlings.

You are not advocating a wide spread burn of the forest?—Ch, dear me, no.

You simply suggest that it should be cleared out where heaps of debris lie about?—Yes, and burnt absolutely under control.

Have you any conception of the cost involved in clearing up the forests?
in the manner you suggest, over thousands and thousands
of acres?—Yes, I have. I should say it would involve
tremendous expenditure, but if our forests are worth
saving, and I think they are, that expense should be borne.
Could you give an estimate of the cost in round figures?—I would not
have a guess.
You would require an army of men working for years?—We have except-
ionally fine forest officers. The unfortunate men who
were killed were splendid officers. They constructed
fire breaks with every intention of burning back, but
with the accumulated debris it was impossible. That is
what it amounted to.
Do you mean it was impossible to burn that debris through, or that it
was impossible to make breaks?—It was impossible to
burn back with the debris there.
Why is that?—Because of the fire coming through it. The fire was
intense, but, of course, we have had an extraordinary
season.

(Continued on page 172)
THE COMMISSIONER: If your suggestion were followed and the debris was got together in heaps in suitable places and burned, you would want hundreds of men to be working for years in order to cover the country, would you not?—Not necessarily for years.

Assume that there were several hundred men; they would take a long time?—I suppose it would take time but I do not see why it could not be done in a reasonable time. In the early spring is the time of the year to burn. That would propagate any seed that is in the ground, and regenerate the forest.

That work would have to be doing constantly, would it not?—Once it had been done I should say that it would be easy to keep clean afterwards.

Would it not go on for ever once it started?—I should not think so.

Once the debris was cleared, stacked and burned, what would be done next. The following season would be all right but what about the season after that?—During the season after that it would be a bit thicker again. There would be the fallen limbs and the leaves, but it would not be such a hard job after that time.

MR. LAWRENCE: I suppose you appreciate the value of the forest and its relation to the community?—Yes, I do.

What would you suggest is the actual relation of the forest to the community?—Do you mean in figures or in commercial value? I am not asking you for figures?—The commercial value is not estimable. The forest is most valuable.

The very statement "commercial value" pre-supposes profit and loss?—Yes.

It presupposes that the capital value and the productive value of the forest represents a valuable asset. A national asset must be profitable to the community and I am putting it that while we must endeavour to maintain that asset,
at the same time, if the cost of maintenance exceeds the productive value of the asset, it is of no commercial value.

THE COMMISSIONER: That is self evident?—It is quite evident.

MR. LAWRENCE: If that is the case, I am putting it to you that the tremendous cost involved, not in wide-spread burning, but in the kind of burning which you suggest — carefully controlled burning, gathering the stuff together in heaps here and there, working over thousands and thousands of acres so as to cover the whole of the forests — is not an economic proposition. Can you offer the commission any alternative?—No, I have not thought that out.

THE COMMISSIONER: I think that Mr. Kay's attitude is "In my opinion there is something you can do to prevent the spread of bushfires. I am not going into the economic side, and I am not going to argue it with you." He says that he does not feel qualified to engage in combat with you. He has volunteered the information that the method he suggests would be a good one for preventing bush fires. If you wish to controvert that later, you may do so, but I think it is hopeless to cross-examine Mr. Kay. He is merely giving his opinion. It is quite a good opinion but it may have the drawback you suggest.

THE WITNESS WITHDREW.

HENRY ARLINGTON LINDSAY FIELD, sworn and examined:

MR. GOMNH: What is your name?—Henry Arlington Lindsay Field. I am a grazier living at Healesville. I am situated nearly six miles out of the township in a direction practically due south from here. My property is byton on Yarra, Healesville. I have lived here for about 16 months. Prior to that I was in Tasmania, the Riverina, and western Victoria where I carried on the occupation of grazier. I am still carrying on in those places.

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LAW FIELD.
During your experience as a grazier, have you been able to pay some attention to the causes of bush fires in the areas where you were situated?---Yes, in Tasmania, and also in the Riverina. We suffered tremendously from bush fires caused by lightning. I expect that has nothing to do with this Commission.

THE COMMISSIONER: Except that you do know that fires can be caused by lightning?---They can be caused by lightning.

MR. GOWANS: What about campers?---In my opinion 90 per cent. of these fires are caused by irresponsible campers at weekends and on public holidays. They are caused by them doing away and leaving their fires unattended. I am pretty sure of that.

THE COMMISSIONER: Have you seen any examples?---A fire started down here on the Yarra Bridge on the Tuesday of the bad fires. A man was camped there with a car and he was just packing up as I passed at about 9.15 a.m. There was some smoke appearing where he had the fire. When I came back in the afternoon the whole lot was wiped out. The fire had apparently got away.

MR. GOWANS: That was on Tuesday the 3rd January?---No, that would be the Tuesday when we had the bad fires here; that would be the 10th January.

Did that fire spread towards Healesville?---It spread south and east and the road blocked it between here and Melbourne. Fortunately, it caused no material damage. If it had crossed the Melby road and got into the sanctuary it would have been an absolute national loss. There would have been the loss of the birds and game inside the Sanctuary.

Have you any first-hand knowledge of fires caused by campers?---I have seen campers on the road during these holidays who have had fires. One was at the Yea river this side of Glenburn on the day fire crossed the Castella road.
I happened to be going through Southern Victoria and I turned off the main road to Mt. Slide where the Castella road leaves it. I usually take that short cut down past Castella House. I got on the ridge and saw this fire burning. The wind was blowing from the south-west. I proceeded along that road through the timber for about a quarter of a mile, got blocked by the fire because of a log across the road and had to turn back. I returned to the junction of the Mt. Slide road, proceeded to Mt. Slide where the bowser pump is, filled my car there and asked the man in charge when that fire started. If I remember rightly he told me that it started on the Friday previously. I think that would be on the 29th December. I proceeded on down the Yea road and found a tree across the road with six forestry men cutting it out. There were about 11 cars waiting on either side. The fire had burned only a little distance on the Yea road then past where the yatt's river joins the Yea road, but it was still going up over the hill - that is, between Castella House and that junction of the river with the Yea road. On the Tuesday it was a comparatively mild day, the wind being in the same quarter, and in my opinion that fire could have been stopped. Had the Forestry Commission sent enough men and the proper appliances to do it.

What day was that?—The 3rd January. It is no use sending men out without water. - That is my experience - to put these fires out where you could protect them from getting away again. You will always find stumps or trees burning and it is no use trying to stop that with an axe and shovel. I think the men should be properly equipped with a water tank and with sprays to prevent fires spreading in that way.

Is that the last you saw of that fire?—On the Tuesday I returned via Alexandra and I could see the smoke from the fire still
burning on the top of that ridge from the road coming into Alexandria.

Before going on to more general topics can you tell me this: you have attributed 90 per cent of these fires to careless campers. Are there any other classes of people which you would name as causing these fires?—We all know that some small farmers have a certain amount of clearing to do every year. They will take the risk of lighting a fire and burning off. I think these are the only two classes of people.

What about graziers, do they not burn off sometimes?—I think they are in the same category as the small farmers.

Do you think there would not be small graziers concerned?—No.

There may be an odd one but there are no large graziers within these forest areas. They are all small men right away through who have scrub land. They fell their scrub and want to clear another patch. They fell their timber and then want to get a fire through. The only time they can burn it is in the summer.

It is not merely a case of clearing a patch. It is not sometimes lit with the object of creating new growth?—I would not say so.

You have heard of such cases?—No, I have not.

Did you not even hear of a case mentioned in the paper the other day concerning snags down towards Apollo Bay?—I would not take any notice of what the paper said.

Even if it were reporting evidence in a Court of Law?—They are not reliable.

Apparently the Court took notice of it. You have had no evidence of such a case?—No.

The Commissioner: Have you been up North, in the high ridges?—Yes, above Toolangi. I have also been at Boro.

I think that what Mr. Gowans is putting to you is more commonly supposed.
to obtain in those districts. Have you heard anything about that?—No.

MR. GOWANS: You have never heard of it happening in this area?—No. You have suggested one means whereby you think steps could be taken to subdue those fires—that is by the use of water. Have you any other suggestions in regard to quelling the fires?—I think that during the period between 1st December and the 15th March anyone lighting fires should be liable to a heavy penalty or imprisonment.

You know that is so?—I do not know what the penalties are, and I do not know whether there is any imprisonment imposed. My suggestion is rather drastic but people lighting fires are threatening the lives of other people.

THE COMMISSIONER: It has been the custom to impose fines of £2 until this year when the bidding has risen a bit?—I think the bidding should still rise considerably.

MR. GOWANS: You are a local councillor?—Yes.

Do you sit on the local bench (to the Commissioner) I want to establish the witness’s qualifications when talking about penalties.

THE WITNESS: I think it is a matter of common sense.

MR. GOWANS: What other suggestions would you like to make in regard to bush fires?—I think that the main issue is to see that anyone lighting fires between these periods is subject to the action I have suggested. That period may be altered from time to time. In some years we get a reasonably green season right through when possibly the Act need not apply, but the position should be well published and advertised.

You know that in fact the Section provides for that?—No, I do not. Section 69 of the Forests Act reads as follows: (Read).

THE WITNESS: I was not aware of that fact. I think that the penalties have been much too light in the past.
MR. GOWANS: Would you consider that a term of imprisonment of two years was too light?—It all depends on what damage was done.

At all events, the same section provides for a term of imprisonment for two years or a penalty of £200?—It all depends on whether the fire is caused wilfully or from neglect.

If, in fact, those penalties were imposed by the Court I suppose you would consider them adequate?—Yes.

Have you anything to say about fire breaks?—I think it would be wise directly the country is burnable at all for the Forests Commission to burn out their areas, or around Government lands, and also to burn breaks through. It would not cause any damage. You might not get a good burn but it would still be a protection to the rest of the country. As to the time when that is applicable, it is hard to say and the matter should be left in the hands of the Forests Commission. I think it should be done, and I think the same thing should apply to residents in the forests when there is heavy growth adjacent to their homes. A lot of homes have been burnt where the occupants have allowed the scrub to grow right up to them. When the first fire comes along, away she goes, and that is the end of it. I think that where people have their dwellings within timbered areas, that course should be made compulsory.

I assume that you would be of the opinion that there should be some kind of central authority to impose these penalties?—I think so.

You are aware that the Forests Commission cannot impose penalties in some instances?—I know that there is quite a lot of red tape between one Department and another. I think that is wrong. I think that when a fire takes place the Forests Commission can only employ the men they have on unless
they apply to another department to obtain the finance to employ them. By the time they get that finance, the damage is done.

The fact that you were ignorant of there being a proclaimed period....?---

May I put myself right there? I did know that there was a proclaimed period, but I did not know the dates.

The fact that you were not fully aware of it suggests that the proclamation may not be sufficiently widely broadcast?---Probably so.

Did you ever see any of these Proclamations?---I have not seen them.

Have you not seen any posted in this district?---Not that I know of. They may be here but I have not seen them.

MR. KELSO: You went down the Castella Road on the 29th December?---

No, on Monday 2nd January. It was on Friday the 29th December that the man at the bowser on Mt. Slide told me the fire started.

That is hearsay as far as you are concerned?---Yes.

MR. CONAHS: Was it on the Friday or on December 29th?---It was on the Friday.

MR. KELSO: What did you see of the fire itself on that day?---On the Monday?

No, on the 29th December?---I was not there. I was going through from here to Northern Victoria.

MR. CONAHS: Can you tell me the name of the man you referred to at the bowser?---I could not say; but he owns the bowser on the top of Mt. Slide.

MR. LAWRENCE: You have been living in this district for a period of only 16 months?---Yes, that is all.

Prior to that date your interests were confined consecutively to Tasmania and the Riverina?---To Tasmania, the Riverina, and Northern Victoria.

How long have you been living in Victoria?---In the first 11 years I had a tremendous lot to do with mountain and bush country
in Tasmania where we suffered considerably with fires.

How long have you been living in the State of Victoria?—I suppose for a period of eight years, although I have only been in this district for 16 months.

I can only take it that a man of your years has got past the stage when he looks at posters on public boards and that sort of thing?—To an extent, yes.

As you are aware, these proclamations have been issued year by year since 1928?—They may be issued and posted within the different towns throughout the State, but I think if they were posted at camping grounds and compounds where people camp, and in conspicuous places on roads where people are likely to camp, it would go a long way towards the protection of the country. A lot of people pass towns and they see so many proclamations that they get confused and do not read them at all. If the proclamations were posted at camping areas and on creeks, bridges and so on where people are likely to camp and light fires, I think it would go a long way further towards protecting the country.

The practice is to post proclamations at all post offices, police stations, and forest quarters throughout the country, and copies—

THE COMMISSIONER: Who would want to go to any of those places on a holiday, the post office, or the police station. They ought to be put in every hotel or, as this gentleman says, at every creek and bridge. That is where most of the holiday makers who do the damage go to. They are not going to the local police station.

MR. LAWRENCE: A copy of the proclamation is also published in all issues of the metropolitan press at the time?—With, you might say, thousands of other proclamations or advertisements? To get to the root of the trouble I think you want to put these proclamations and warnings where people are likely to
camp or light fires. That is on the creeks and at compounds such as we have all through these districts. You may call them camping areas.

**THE COMMISSIONER:** Are the proclamations published in the public Gazette or the daily press?

**MR. LAWRENCE:** They are published in the daily press and also in all copies of the metropolitan press.

**THE COMMISSIONER:** Amongst the advertisements?

**MR. LAWRENCE:** Presumably, once they are in the news column. Your Honour will appreciate that the idea behind the Forests Commission’s mode of disposal is to put the notices where they will be semi-permanent. They would last about half an hour on public camping grounds. The idea is to put them where people definitely congregate. Every post office throughout the country displays these notices and it is rather astonishing that a semi-public man such as Mr. Field has not seen them during his eight years residence in Victoria?——I suppose I am not the only one who has not seen them.

**MR. GORMAN:** Perhaps if the penalty had been set out in red ink it would have been more noticeable?——If it were in a conspicuous form you would probably stop and look to see what it was. As far as the Government Gazette is concerned, how many people see it. It is a waste of public money advertising it to a great extent. It is not the country people who go into the local post offices who light the fires; it is the irresponsible people who come from the cities into the country camping for a weekend or over their holidays. These are the people we have to look out for in the country. They do the damage; they do not know what damage they are doing when they light a fire.

**THE COMMISSIONER:** I think that is about as far as we can go. I
understand that it is not convenient for you to attend any further sittings?—Unless it should be on a Wednesday some time, if you should want me.

I do not think there will be any necessity to hear you any further unless somebody expresses a desire to hear something more from you?—I can be here about 11 o'clock any Wednesday.

MR. HARDY: As a Councillor you are one of the Committee of Management of the Sanctuary?—Yes.

West of the Sanctuary there is an area of some 300 odd acres of thickly forested lands, some thickly scrubbed?—Between Somerville Lodge and the Sanctuary, between Dairy Road and the Sanctuary.

There is a big triangle there. You go down past the wire netting fence.

(Page 102 follows.)
MR. HARDY: The Sanctuary is fairly safe because it has a road on the north
and a road on the south, that is the road which goes along at an
angle and then back again?—Yes.

Would the Sanctuary be protected?—The Sanctuary is exposed from every
angle.

Suppose a northerly wind came down into that westerly area of about 200
acres which is not protected in the way the Sanctuary is by
Committee Management Control, and then the wind came through from
the west, it would take the sanctuary?—It would. There would
be no protection. For the protection of the Sanctuary I think
that area should be handed over to the Sanctuary Committee of
Control to do whatever is possible to eradicate the possibility
of fire getting into the Sanctuary. It would also be used for
the expansion of the Sanctuary.

THE COMMISSIONER: Is the Sanctuary in its natural state, or are any
precautions taken to keep it clear?—Is it in its natural
state except for a break that we put through it.

Would it be a fair example of the country around here as it was before
the fire?—Yes.

It has a rather better growth than to the north?—No, I would not say
that, because all this country through here had a terrific
growth. A beast could hardly get through some of it.

MR. HARDY: The road itself would not be a sufficient break?—Not with
a strong northerly wind, nor with a strong westerly wind.

With a fire in the tops of the trees the break would be of no value
at all?—They would be absolutely useless.

Would you say that the Sanctuary is in danger because of a forest area
on the west of it?—You are talking of the Coranderrk Settlement?
There would be no control of the forest in the Crown land area?—No, it
is in absolute danger.

THE WITNESS WITHDREW.

THE COMMISSIONER: This Commission will stand adjourned until 11 a.m.
tomorrow the 7th February.
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